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United States Government Accountability Office
Washington, DC 20548

December 19, 2005

The Honorable John Conyers, Jr.
RMM, Committee on the Judiciary
United States House of Representatives

Subject: Challenges Facing the U.S. Asylum System

Dear Mr. Conyers:

Concerning your letter to the Comptroller General requesting a GAO study of weaknesses in the U.S. Asylum system that could prevent the claims of asylum seekers from being processed properly and considered fairly, we met with your staff on November 29, 2005 to gain a further understanding of your needs.

Due to the complexity of the issues and uncertainty regarding the availability of data on factors affecting immigration judge decisions and the appeals process in asylum cases, we need to proceed with a separate design phase. The purpose of this letter is to set forth the study objectives and provide you with a completion date for the design phase. The overall objectives of our work would be to determine (1) DOJ's policies and procedures for reviewing asylum applications, and how the policies and procedures are implemented; (2) factors that have affected variation in the outcome of asylum cases, including whether the applicant was detained or had access to legal counsel, and such organizational characteristics as asylum officer and immigration judge workload, training, and resources; (3) factors that have affected whether an asylum seeker is represented by counsel; (4) issues associated with enforcing the requirement that applicants file for asylum within one year of entering the country; and (5) how recent changes in the appeals process may have affected the rate of appeals and outcomes of asylum cases.

Given the multiple objectives of this review, we expect the design phase to be completed by March 31, 2006. We will remain in contact with your staff, and at the end of the design phase, we will provide you with a projected completion date for the total study. Please note that we will be responding to a related request on asylum issues from Representatives Sensenbrenner and Hostettler. We plan to conduct both studies simultaneously and issue two reports on the same date. Should you have any questions, please contact me at (202) 512-8816 (StanaR@gao.gov), or Evi Rezmovic, Assistant Director, at (202) 512-2580 (RezmovicE@gao.gov).

Sincerely yours,

Richard M. Stana, Director
Homeland Security and Justice